UNITED
NATIONS

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General Assembly

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ORIGINAL: ENGLISH

Fiftieth session
Agenda item 39

LAW OF THE SEA

Argentina, Australia, Austria, Brazil, Cameroon, Canada, Chile, China, Congo, Croatia, Cyprus, Denmark, Egypt, Fiji, Finland, Germany, Iceland, Indonesia, Israel, Italy, Jamaica, Kenya, Malaysia, Marshall Islands, Mauritania, Mexico, Namibia, New Zealand, Norway, Portugal, Samoa, Senegal, Singapore, Sweden, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

The General Assembly,

Emphasizing the universal character of the United Nations Convention on the Law of the Sea, 1/ its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind, and considering also that the Convention, together with the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, 2/ provides the regime to be applied to the Area and its resources,

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1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

2/ Resolution 48/263, annex.

Recalling its resolution 49/28 of 6 December 1994, on the law of the sea, adopted consequent to the entry into force of the Convention on 16 November 1994,

Aware of the importance of the effective implementation of the Convention and its uniform and consistent application, as well as the growing need to promote and facilitate international cooperation on the law of the sea and ocean affairs at the global, regional and subregional levels,

Conscious of the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21, 3/

Recognizing the impact on States of the entry into force of the Convention and the increasing need, particularly of developing States, for advice and assistance in its implementation in order to benefit thereunder,

Noting the responsibilities of the Secretary-General and competent international organizations under the Convention, in particular pursuant to its entry into force and as required by resolution 49/28,

Reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

Noting the decisions taken by States parties to the Convention to convene meetings of States parties to deal with the initial budget and organizational and other related matters of the International Tribunal for the Law of the Sea in preparation for its establishment and the election of its members, 4/ as well as to prepare for and organize the election of the members of the Commission on the Limits of the Continental Shelf,

Noting also that the Assembly of the International Seabed Authority has concluded its first session and has scheduled two meetings of the Authority for 1996, from 11 March for up to three weeks, if necessary, and from 5 August for up to two weeks, in Kingston, Jamaica, 5/

Noting further that the Assembly of the Authority requested arrangements for the interim secretariat of the Authority, authorizing the Secretary-General

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3/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), Vol. I: Resolutions Adopted by the Conference, resolution 1, annex II.

4/ SPLOS/4, para. 38.

5/ ISBA/A/L.7/Rev.1, para. 35.

to administer the interim secretariat until the Secretary-General of the Authority is able to assume effectively the responsibility of the Authority's secretariat, 6/

Recalling that the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 provides that the institutions established by the Convention shall be cost-effective, 7/ and recalling also that the meeting of States parties to the Convention decided that this principle would apply to all aspects of the work of the Tribunal, 8/

Emphasizing the importance of making adequate provisions for the efficient functioning of the institutions established by the Convention,

1. Calls upon all States that have not done so to become parties to the United Nations Convention on the Law of the Sea and to ratify, confirm formally or accede to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 in order to achieve the goal of universal participation;

2. Calls upon States to harmonize their national legislation with the provisions of the Convention and to ensure the consistent application of those provisions;

3. Reaffirms the unified character of the Convention;

4. Recalls its decision to fund the budget for the administrative expenses of the Authority initially from the regular budget of the United Nations, in accordance with the provisions of the Agreement; 9/

5. Approves the provision by the Secretary-General of such services as may be required for the two meetings of the International Seabed Authority to be held in 1996, from 11 to 22 March and from 5 to 16 August;

6. Approves also the request of the Assembly of the Authority to continue the staff and facilities previously available to the Kingston Office for the Law of the Sea as the interim secretariat of the Authority, and authorizes the Secretary-General to administer the interim secretariat until the Secretary-General of the Authority is able to assume effectively the responsibility of the Authority's secretariat;

6/ ISBA/A/L.5 and ISBA/A/L.7/Rev.1, para. 33.

7/ Resolution 48/263, annex: annex to the Agreement, sect. 1, para. 2.

8/ SPLOS/4, para. 25 (e).

9/ Resolution 48/263, para. 8; ibid., annex: annex to the Agreement, sect. 1, para. 14.

7. Requests the Secretary-General to convene the meetings of States parties to the Convention from 4 to 8 March, from 6 to 10 May and from 29 July to 2 August 1996;

8. Notes with appreciation the progress made in practical arrangements for the establishment of the International Tribunal for the Law of the Sea, and in preparations for the establishment of the Commission on the Limits of the Continental Shelf;

9. Expresses its appreciation to the Secretary-General for the annual comprehensive report on the law of the sea 10/ and the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, in accordance with the provisions of the Convention and the mandate set forth in resolution 49/28;

10. Reaffirms the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its effective implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the Secretary-General's efforts to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

11. Requests the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States and competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

12. Invites Member States and others in a position to do so to contribute to the further development of the fellowship programme on the law of the sea and training and educational activities on the law of the sea and ocean affairs established by the Assembly in its resolution 35/116 of 10 December 1980, and advisory services in support of effective implementation of the Convention;

13. Requests the Secretary-General to report to the Assembly at its fifty-first session on the implementation of the present resolution, in connection with his annual comprehensive report on the law of the sea;

14. Decides to include in the provisional agenda of its fifty-first session the item entitled "Law of the sea".

10/ A/50/713.

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Fiftieth session
Agenda item 96 (c)

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: SUSTAINABLE USE AND CONSERVATION OF THE MARINE LIVING RESOURCES OF THE HIGH SEAS

Argentina, Australia, Brazil, Canada, Fiji, Iceland, Indonesia, Israel, Malaysia, Marshall Islands, Mauritania, Namibia, New Zealand, Norway, Samoa, Senegal, Singapore, Trinidad and Tobago, Ukraine, United States of America and Uruguay: draft resolution

Agreement for the implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

The General Assembly,

Recalling its resolutions 47/192 of 22 December 1992, 48/194 of 21 December 1993 and 49/121 of 19 December 1994, concerning the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks,

Taking note of resolutions I and II adopted by the Conference, 1/

Recognizing the importance of the regular consideration and review of developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks,

Taking note of the report of the Secretary-General on the work of the Conference, 2/

1/ A/CONF.164/38, annex.

2/ A/50/550.

1. Expresses its appreciation to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks for discharging its mandate under resolution 47/192 with the adoption of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; 3/

2. Welcomes the opening for signature of the Agreement on 4 December 1995;

3. Emphasizes the importance of the early entry into force and effective implementation of the Agreement;

4. Calls upon all States and the other entities referred to in article 1, paragraph 2 (b), of the Agreement that have not done so to sign and ratify or accede to it, and consider applying it provisionally;

5. Requests the Secretary-General to report to the General Assembly on developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks at the fifty-first session and biennially thereafter, taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations;

6. Requests the Secretary-General to ensure that reporting on all major fisheries-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fisheries organizations and arrangements to cooperate with the Secretary-General to that end;

7. Decides to include in the provisional agenda of its fifty-first session, under the item entitled "Law of the sea", a sub-item entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

3/ A/50/550, annex I; see also A/CONF.164/37.

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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: SUSTAINABLE USE AND CONSERVATION OF THE MARINE LIVING RESOURCES OF THE HIGH SEAS

Argentina, Australia, Brazil, Canada, Fiji, Iceland, Indonesia, Israel, Malaysia, Marshall Islands, Mauritania, Namibia, New Zealand, Norway, Samoa, Senegal, Singapore, Trinidad and Tobago, Ukraine, United States of America and Uruguay: draft resolution

Agreement for the implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Belize, Cape Verde, Gabon and Guinea-Bissau

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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: SUSTAINABLE USE AND CONSERVATION OF THE MARINE LIVING RESOURCES OF THE HIGH SEAS

Australia, Canada, Chile, Fiji, Grenada, Indonesia, Israel, Malaysia, Marshall Islands, Mauritania, New Zealand, Peru, Samoa, Singapore, Trinidad and Tobago, United States of America and Uruguay: draft resolution

Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources

The General Assembly,

Reaffirming its resolutions 44/225 of 22 December 1989, 45/197 of 21 December 1990 and 46/215 of 20 December 1991, as well as its decisions 47/443 of 22 December 1992, 48/445 of 21 December 1993 and 49/436 of 19 December 1994, on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas,

Recalling its resolution 49/116 of 19 December 1994 on unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas,

Recalling also its resolution 49/118 of 19 December 1994 on fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources,

Recognizing the efforts that international organizations and members of the international community have made to reduce by-catch and discards in fishing operations,

95-37739 (E) 301195 011295

/...

Conscious of the need to promote and facilitate international cooperation, especially at the regional and subregional levels, in order to ensure the sustainable development and use of the living marine resources of the world's seas and oceans, consistent with the present resolution,

Noting that the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1/ adopted by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, provides in its general principles that States shall minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques, and further provides that States shall take measures, including the establishment of regulations, to ensure that vessels flying their flags do not conduct unauthorized fishing within areas under the national jurisdiction of other States,

Noting also that the Food and Agriculture Organization of the United Nations has adopted a Code of Conduct for Responsible Fisheries, which sets out principles and global standards of behaviour for responsible practices to conserve, manage and develop fisheries, including guidelines for fishing on the high seas and in areas under the national jurisdiction of other States, and on fishing gear selectivity and practices, with the aim of reducing by-catch and discards,

Expressing deep concern at the detrimental impact of unauthorized fishing in areas under national jurisdiction, where the overwhelming proportion of the global fish catch is harvested, on the sustainable development of the world's fishery resources and on the food security and economies of many States, particularly developing States,

Reaffirming the rights and duties of coastal States to ensure proper conservation and management measures with respect to the living resources in areas under their national jurisdiction, in accordance with international law as reflected in the United Nations Convention on the Law of the Sea,

Taking note of the reports of the Secretary-General on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas, 2/ and unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, 3/

1/ A/CONF.164/37; see also A/50/550, annex I.

2/ A/50/553.

3/ A/50/549.

Taking note also of the report of the Food and Agriculture Organization of the United Nations on fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources, 4/

Acknowledging with appreciation the measures taken and the progress made by members of the international community, international organizations and regional economic integration organizations to implement and support the objectives of resolution 46/215,

Expressing deep concern that there are continuing reports of activities inconsistent with the terms of resolution 46/215 and unauthorized fishing inconsistent with the terms of resolution 49/116,

1. Reaffirms the importance it attaches to compliance with its resolution 46/215, in particular to those provisions of the resolution calling for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas;

2. Urges all authorities of members of the international community to take greater enforcement responsibility to ensure full compliance with resolution 46/215, and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that resolution;

3. Calls upon States to take the responsibility, consistent with their obligations under international law as reflected in the United Nations Convention on the Law of the Sea and resolution 49/116, to take measures to ensure that no fishing vessels entitled to fly their national flags fish in areas under the national jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned; such authorized fishing operations should be carried out in accordance with the conditions set out in the authorization;

4. Urges States, relevant international organizations, and regional and subregional fisheries management organizations and arrangements to take action to adopt policies, apply measures, collect and exchange data and develop techniques to reduce by-catches, fish discards, and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries;

5. Calls upon development assistance organizations to make it a high priority to support, including through financial and/or technical assistance, efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations;

6. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant

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4/ A/50/552, annex.

intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations, and relevant non-governmental organizations, and invites them to provide the Secretary-General with information relevant to the implementation of the present resolution;

7. Also requests the Secretary-General to ensure that reporting on all major fisheries-related activities and instruments is effectively coordinated and duplication of activities and reporting minimized and that relevant scientific and technical studies are disseminated to the international community, and invites the relevant specialized agencies, including the Food and Agriculture Organization of the United Nations, as well as regional and subregional fisheries organizations and arrangements, to cooperate with the Secretary-General to that end;

8. Further requests the Secretary-General to submit to the General Assembly at its fifty-first session a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118, taking into account the information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements, and other relevant intergovernmental and non-governmental organizations;

9. Decides to include in the provisional agenda of its fifty-first session, under the item entitled "Law of the sea", a sub-item entitled "Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources".